IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(*Special Original Jurisdiction*)

THURSDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND SIX

P R E S E N T

THE HON'BLE SRI JUSTICE P.S. NARAYANA

* * *

WP.No.748 of 2006

Between:

Sri Gajanand Singh, s/o. Makhan singh,
aged about 45 years, 0cc. Business,
r/o.H.No.9-1-92, Kandaspura, Langerhouse,
Hyderabad. … Petitioner

Versus

The Commissioner,
Rajendranagar Municipality,
Rajendranagar, Rangareddy district. … Respondent

Counsel for the Petitioner: Sri M.Laxman (6149)

Counsel for the Respondents: Sri Polisetti Radhakrishna
SC for MPL.

O R D E R :

The writ petition is filed a writ of mandamus declaring the action of the respondent in attempting to demolish the compound wall around the agricultural land in survey no.18/3, admeasuring Ac:1-20 guntas, situated at Upperpally village, Rajendranagar Mandal, Ranga Reddy district purchased under registered sale deed and issuing provisional orders dated 03-1-2006 in UCR.No.23/MCR/I/05-06 on the ground of non-obtaining construction permission for compound wall is without authority of law and without jurisdiction and for other consequential reliefs.

Several factual details have been narrated in the affidavit filed in support of the writ petition.

The main stand taken by the writ petitioner is that for construction of such compound wall, no permission is required. However, the learned standing counsel for the respondent would contend that only upto a particular height i.e., 2 to 5 mts., there can be exemption and not beyond thereto.

It is needless to say that this is a question of fact and the writ court cannot decide this aspect unless acceptable material is placed before this court.

In view of the same, the writ petition is disposed of with a direction to the respondent to inspect the compound wall in the presence of the petitioner and take appropriate decision in accordance with schedule-III and other relevant rules and in accordance with law.

Accordingly the writ petition is disposed of at the admission stage. No order as to costs. It is made clear that if the existing construction is already within the permissible limit, no demolition be effected so far as the compound wall is within the permissible limits.

July 6th, 2006. ----------

Is L. P . S . NARAYANA ,

J.